

EXHIBIT "D-3"

DEPOSITION EXHIBIT NO. 21

R000246, 253 and 257

Rezoning Petition No. RZ09-001/CV09-003

NG & MEETING DATES

Community Zoning ation Meeting	Design Review Board Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
March 24, 2009	March 24, 2009	April 23, 2009	May 21, 2009 July 16, 2009	June 16, 2009 August 18, 2009

CANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Church of Scientology	Church of Scientology	Woody Galloway

PROPERTY INFORMATION

Address, Land Lot, District	5395 Roswell Road (SR9) Land Lot 92; District 17
Parcel District	5
Size and Area	325 feet of frontage along the north side of Glenridge Road and 420 feet of frontage along the east side of Roswell Road. The subject property has a total area of 1.78 acres (77,536.80 square feet).
Current Zoning and Neighborhood District	O-I (Office and Institutional District) conditional under Fulton County zoning cases Z83-0119, currently developed with a brick building totaling 32,053 square feet 11,193 square foot parking deck. Urban District
Current Comprehensive Land Use Designation	Live Work Community (LWC)
Current Zoning	O-I (Office and Institutional District)

PETITION

FROM O-I(OFFICE AND INSTITUTIONAL DISTRICT) CONDITIONAL TO O-I(OFFICE AND INSTITUTIONAL DISTRICT)

The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to (Office and Institutional District) to allow for a church in the existing building. The proposed renovations will use the building square footage from 32,053 square feet to 43,246 square feet with the enclosure of the 11,193 square foot existing underground thirty (30) car parking deck. The proposed density for the development is 1.91 square feet per acre.

Additionally, the applicant is requesting three (3) concurrent variances as follows:

To allow the existing parking within the required minimum front yard setback and side corner (Section 18.3.1.E, *Parking and Loading Locations*).

To allow the existing sign to encroach into the right-of-way (Section 22.C, *Sign Location*).

To reduce the twenty (20) foot side setback to five (5) foot to allow the existing building to remain. (Section 8.1.3.C, *Development Standards*)

PLAN ANALYSIS

Proposed site plan submitted shows the existing 32,053 square foot office building and 11,193 square foot ground thirty (30) car parking deck. The applicant proposes interior renovations to the existing building for a church. The total floor area is proposed to be expended to 43,246 square feet by enclosing the square foot parking deck. The proposed basement will contain the sanctuary, additional office space, and rooms. The proposal will reduce the existing parking from 111 parking spaces to 81 parking spaces. The parking lot has fifty (52) parking space on the parcel and thirty (31) on an easement from the Post Office. Surface parking lot surrounds the building and is accessed by one (1) curb cut from Roswell Road (SR9) and access point at the Post Office's driveway from Glenridge Drive.

ZONING AND TRAFFIC IMPACT ANALYSIS

Section 18.2.1 indicates parking requirements are to be calculated based upon the proportion that each use contributes to the total. For example, a building with multiple uses would be required to provide parking based on the total parking requirement associated with each use. On the other hand, parking requirements for uses in large public assembly areas relative to the remainder of the building (i.e. meeting halls or libraries) are based upon the largest public assembly area. Normally, staff would analyze the parking needs for the Church Scientology building relative to the size of the sanctuary. However, because proposed development will be a sanctuary which comprises less than 5% of the total net floor area, staff has instead analyzed the parking impact using an aggregate of the uses in the building (sanctuary, offices and classrooms).

The applicant has indicated that the proposed use is not a traditional place of worship. As such the applicant has entered a parking study to show the parking needs for the proposed use. The parking study provided by the applicant examined two (2) existing sites, the current location in the City of Dunwoody, Georgia and Nashville, Tennessee. The location in Nashville has similar square footage 38,000 to the proposed 43,246 square feet at the Sandy Springs location. The Nashville location has provided 114 spaces for 38,000 square feet. This is a ratio of 3 spaces per 1000 square feet. According to this calculation the Sandy Springs site at the applicant's proposed 43,246 square feet would require one hundred and thirty three (133) spaces. Eighty-three (83) spaces would be provided. There would be a deficit of fifty (50) parking spaces. Based on the information provided by the applicant, the proposed request of 43,246 square feet would not meet the level of parking necessary to support the proposed use. Therefore, staff concludes that there would be an inadequate amount of parking for the proposed 43,246 square feet. The site at 32,053 square feet would require ninety-seven (97) spaces. The site currently has one hundred and eleven (111) spaces. As such the staff recommends restricting the use of the subject property to 32,053 square feet with the existing one hundred and eleven (111) spaces.

LANDSCAPE PLAN ANALYSIS

The only land disturbance activity will be the installations of the new streetscape along the property's street frontage. There will be minor maintenance work to the building's exterior. The cost of the building renovation will exceed the forty (40) percent of the property's most recent tax appraisal. Therefore, the applicant is required to install streetscape per the overlay district requirements. The streetscape requirement will be addressed at the time of the building permit.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within a floodplain.

whether the zoning proposal is in conformity with the policies and intent of the land use plan.

The staff is of the opinion that the proposed use is consistent with the Future Land Use Map, which designates the property as Live-Work Community (LWC). The applicant is proposing to allow for a use of the existing building with an expansion. The proposed density for the development is 24,671.91 square feet per acre. The LWC land use designation recommends a density of up to 25,000 square feet per acre. The LWC land use designation also allows for commercial and office uses plus over 20 residential units per acre. The proposal lends itself to the overall character of the LWC designated areas that are intended for to serve a group of adjacent neighborhoods and is compatible with low and medium density residential neighborhoods.

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

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Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

The staff is of the opinion that the proposal will not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs.

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposed use and density are consistent with the Future Land Use Map and the policies of the Comprehensive Plan. The entire 43,246 square feet could be recommended for approval by staff if the applicant can demonstrate that the on-site parking will be sufficient to meet the full needs of the proposed building including the expansion through either a parking study or shared-parking analysis. Therefore, based on these reasons, the staff recommends APPROVAL CONDITIONAL of the request to rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) conditional and the associated concurrent variance.